



Substitute House Bill No. 6324

Public Act No. 09-35

***AN ACT CONCERNING THE INSPECTION OF ELEVATORS, THE
AUTHORITY OF THE STATE AND LOCAL FIRE MARSHALS, THE
REGULATION OF EXPLOSIVES AND OTHER TECHNICAL
CHANGES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 29-195 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

Each elevator or escalator shall be thoroughly inspected by a department elevator inspector at least once each eighteen months, except [private residence elevators, as defined in the regulations adopted pursuant to section 29-192,] elevators located in private residences shall be inspected upon the request of the owner. More frequent inspections of any elevator or escalator shall be made if the condition thereof indicates that additional inspections are necessary or desirable.

Sec. 2. Section 29-196 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

As soon as the department approves any new, relocated or altered elevator or escalator as being fit for operation, it shall issue to the owner a certificate of operation for a capacity and speed specified in

Substitute House Bill No. 6324

the inspector's report. The fee for the certificate first issued shall be two hundred dollars. Such certificate shall be posted conspicuously in the car or cage or on the platform of the elevator or escalator and shall be valid for twelve months. Thereafter, the certificate shall be renewed every two years upon receipt of the renewal fee of one hundred twenty dollars, except that [private residence elevators, as defined in the regulations adopted pursuant to section 29-192,] elevators located in private residences shall not be subject to said renewal requirement. No fee shall be required of the state or any agency of the state. No elevator or escalator may be lawfully operated without such certificate.

Sec. 3. Subsection (a) of section 29-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code and at any time may amend the same. The code shall be based on a nationally recognized model fire code and shall be revised not later than January 1, 2005, and thereafter as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions to the code, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose. The regulations in said code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings and areas adjacent thereto except in private dwellings occupied by one or two families and upon all premises, [except those used for manufacturing,] and shall include provision for (1) carbon monoxide detection and warning equipment in new residential buildings not exempt under regulations adopted pursuant to this subsection and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after

Substitute House Bill No. 6324

October 1, 2005, and (2) smoke detection and warning equipment in (A) residential buildings designed to be occupied by two or more families, (B) new residential buildings designed to be occupied by one family for which a building permit for new occupancy is issued on or after October 1, 1978, requiring equipment complying with the Fire Safety Code, and (C) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1985, requiring equipment capable of operation using alternating current and batteries. Said regulations shall provide the requirements for markings and literature which shall accompany such equipment sufficient to inform the occupants and owners of such buildings of the purpose, protective limitations and correct installation, operating, testing, maintenance and replacement procedures and servicing instructions for such equipment and shall require that smoke detection and warning equipment which is installed in such residential buildings shall be capable of sensing visible or invisible smoke particles, that the manner and location of installing smoke detectors shall be approved by the local fire marshal or building official, that such installation shall not exceed the standards under which such equipment was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided each hotel, motel or inn shall install or furnish such equipment which, when activated, shall provide a visible alarm suitable to warn occupants, in at least one per cent of the units or rooms in such establishment having one hundred or more units or rooms and in establishments having less than one hundred units or rooms, it shall install or furnish at least one such alarm. Said regulations shall provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for such equipment and exemptions for buildings that do not pose a risk of carbon monoxide poisoning due to sole dependence on systems that do not emit carbon

Substitute House Bill No. 6324

monoxide.

Sec. 4. Section 29-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The State Fire Marshal and the Codes and Standards Committee, acting jointly, shall adopt minimum standards of qualification for local fire marshals, deputy fire marshals, fire inspectors and such other classes of inspectors and investigators as they deem necessary. The State Fire Marshal and the Codes and Standards Committee shall (1) prepare and conduct oral, written or practical examinations to determine if a person is qualified and eligible to be certified, or (2) accept successful completion of programs of training developed by public agencies and approved by them as proof of qualification for certification eligibility, or (3) prepare and conduct a training program, the successful completion of which shall qualify a person to be certified. Upon determination of the qualification of a local fire official under subdivision (1), (2) or (3) of this subsection, the State Fire Marshal and the Codes and Standards Committee shall issue or cause to be issued a certificate to such person stating that the person is eligible to be certified. The State Fire Marshal and the Codes and Standards Committee shall establish classes of certification that will recognize the varying involvements of such local fire officials. Local fire marshals, deputy fire marshals, fire inspectors and other inspectors or investigators holding office in any municipality shall be certified in accordance with subdivision (1), (2) or (3) of this subsection. On or after October 1, 1979, no local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator shall be appointed or hired unless such person is certified and any such person shall be removed from office if such person fails to maintain certification. The State Fire Marshal and the Codes and Standards Committee shall conduct educational programs designed to assist such local fire officials in carrying out the duties and responsibilities of their office. Such

Substitute House Bill No. 6324

educational programs for local fire marshals, deputy fire marshals and fire inspectors shall be in addition to the programs specified under subdivisions (2) and (3) of this subsection and shall consist of not less than ninety hours of training over a three-year period. The State Fire Marshal and the Codes and Standards Committee shall establish the minimum hours of training for the other classes of inspectors and investigators, which shall recognize the varying involvements of such officials. Each local fire official shall attend such training programs or other approved programs of training and present proof of successful completion to the State Fire Marshal. The State Fire Marshal may, after notice and opportunity for hearing, and with the participation of one or more members of the Fire Marshal Training Council, revoke any certificate issued under the provisions of this subsection for failure on the part of a local fire official to present such proof. Any appointed local fire marshal, deputy fire marshal or other inspector or investigator who wishes to retire his or her certificate may apply to the State Fire Marshal and the Codes and Standards Committee to have such certificate retired and be issued a certificate of emeritus. Such retired local fire official may no longer hold himself or herself out as a certified local fire official.

(b) No local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator acting for a local fire marshal, who is charged with the enforcement of the Fire Safety Code and this chapter, may be held personally liable for any damage to persons or property that may result from any action that is required or permitted in the discharge of his official duties while acting for a municipality or fire district. Any legal proceeding brought against any such fire marshal, deputy fire marshal, fire inspector or other inspector or investigator because of any such action shall be defended by such municipality or fire district. No such fire marshal, deputy fire marshal, fire inspector or other inspector or investigator may be held responsible for or charged with the costs of any such legal proceeding. Any officer of a local fire marshal's office, if

Substitute House Bill No. 6324

acting without malice and in good faith, shall be free from all liability for any action or omission in the performance of his official duties.

(c) [Each] Except as provided in this subsection, each certified deputy fire marshal, fire inspector or other inspector or investigator shall act under the direction and supervision of the local fire marshal while enforcing the Fire Safety Code and the provisions of this chapter. The local fire marshal may authorize, in writing, such deputy fire marshal or fire inspector to issue any permit or order under the provisions of this part or to certify compliance with the provisions of the Fire Safety Code, on his behalf. If no local fire marshal has been appointed in accordance with the provisions of section 29-297, the deputy fire marshal or acting fire marshal shall assume the authority granted to the local fire marshal under this section.

Sec. 5. Section 29-349 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The Commissioner of Public Safety shall have exclusive jurisdiction in the preparation of and may enforce reasonable regulations for the safe and convenient storage, transportation and use of explosives and blasting agents used in connection therewith, which regulations shall deal in particular with the quantity and character of explosives and blasting agents to be stored, transported and used, the proximity of such storage to inhabited dwellings or other occupied buildings, public highways and railroad tracks, the character and construction of suitable magazines for such storage, protective measures to secure such stored explosives and blasting agents and the abatement of any hazard that may arise incident to the storage, transportation or use of such explosives and blasting agents.

(b) No person, firm or corporation shall engage in any activity concerning the storage, transportation or use of explosives unless such person, firm or corporation has obtained a license therefor from the

Substitute House Bill No. 6324

Commissioner of Public Safety. Such license shall be issued upon payment of a fee of one hundred dollars and upon submission by the applicant of evidence of good moral character and of competence in the control and handling of explosives, provided, if such license is for the use of explosives, it may be issued only to an individual person after demonstration that such individual is technically qualified to detonate explosives. Any such license to use explosives shall bear both the fingerprints of the licensee obtained by the Commissioner of Public Safety at the time of licensing, and the licensee's photograph, furnished by the licensee, of a size specified by the commissioner and taken not more than one year prior to the issuance of the license. Each such license shall be valid for one year from the date of its issuance, unless sooner revoked or suspended, and may be renewed annually thereafter upon a payment of seventy-five dollars.

(c) The Commissioner of Public Safety shall require any applicant for a license under this section to submit to state and national criminal history records checks. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.

(d) No person shall manufacture, keep, store, sell or deal in any explosives unless such person has a valid license under the provisions of subsection (b) of this section and obtains from the Commissioner of Public Safety or from the fire marshal of the town where such business is conducted a written permit therefor, which permit shall not be valid for more than one year and for which such person shall pay a fee of fifty dollars. If the permit is issued by the Commissioner of Public Safety, the commissioner shall forward a copy thereof to the local fire marshal. Such permit so granted shall definitely state the location of the building where such business is to be carried on or such explosive deposited and shall state that such building or premises complies with the regulations provided for in this section.

Substitute House Bill No. 6324

(e) No person shall procure, transport or use any explosives unless such person has a valid license under subsection (b) of this section and has obtained a written permit therefor signed by the Commissioner of Public Safety or by the fire marshal of the town where such explosive is to be used, specifying the name of the purchaser, the amount to be purchased and transported and the purpose for which it is to be used. Any such permit to use explosives shall state the number of years the permittee has been engaged in blasting activity. Such permit shall be valid for such period, not longer than one year, as is required to accomplish the purpose for which it was obtained. No carrier shall transport any such explosive until the vehicle transporting the explosive has been inspected and approved by the Department of Public Safety and unless such written permit accompanies the same and no person shall have in such person's possession any such explosive unless such person has a license and permit therefor. The fee for such inspection shall be fifty dollars. The fee for such permit shall be thirty dollars. Each person who has in such person's custody or possession any explosive or any detonating caps for explosives shall keep the same either under personal observation or securely locked up.

(f) Any license or permit issued under the provisions of this section may be suspended or revoked by the issuing authority for violation by the licensee or permittee of any provision of law or regulation relating to explosives or conviction of such licensee or permittee of any felony or misdemeanor. Suspension or revocation of a license shall automatically suspend or revoke the permit and the suspension or revocation of a permit shall automatically suspend or revoke the license.

(g) Any person who, by himself or herself or by such person's employee or agent or as the employee or agent of another, violates any provision of this section, or any regulation made by the Commissioner

Substitute House Bill No. 6324

of Public Safety pursuant to the provisions of this section, shall be fined not more than ten thousand dollars or imprisoned not more than ten years or both.

(h) As used in this section, "blasting agent" means any material, composition or mixture intended for blasting, consisting substantially of a fuel and oxidizer, none of the ingredients of which is an explosive as defined in section 29-343, and the finished product of which as mixed and packaged for use or shipment cannot be detonated by the test procedure established by regulations adopted by the Commissioner of Public Safety in accordance with chapter 54.

(i) Notwithstanding the provisions of this section, the Labor Commissioner shall regulate the storage, transportation and use of explosives and blasting agents in places of employment insofar as such activities relate to employee health and safety, provided such regulations shall be no less stringent than those prepared and enforced by the Commissioner of Public Safety pursuant to this section.

(j) The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation adopted under this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety.

Sec. 6. Section 29-402 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) As used in this part, the term "license" includes the whole or part of any permit which the Department of Public Safety issues under authority of the general statutes, and which (1) requires persons to

Substitute House Bill No. 6324

place their names on a list maintained by the department before they can engage in the business of demolition of buildings, (2) requires a person to demonstrate competence by examination or other means, and (3) may be revoked or suspended by the department for cause.

[(a)] (b) No person shall engage in the business of demolition of buildings without a [certificate of registration] license obtained from the Department of Public Safety. An applicant for an initial [registration] license shall file an application with the Department of Public Safety, furnish evidence of expertise and financial responsibility and pay a fee of three hundred fifty dollars for a class B [certificate] license and seven hundred fifty dollars for a class A [certificate] license. Each [certificate] license shall be valid for twelve months from date of issuance and shall be renewable on application of the [registrant] licensee upon payment of an annual fee of two hundred dollars for a class B [certificate] license and six hundred dollars for a class A [certificate] license. The department may refuse to issue any such [certificate] license for cause, and may revoke or refuse to renew any such [certificate] license for failure to carry out and conform to the provisions of this part or to any regulations adopted hereunder, or for any violation of title 22a. No person shall be refused a [certificate] license or a renewal thereof, and no [certificate] license shall be revoked, without an opportunity for a hearing conducted by the Department of Public Safety in accordance with the provisions of chapter 54.

[(b)] As used in this part, the term "registration" includes the whole or part of any permit which the Department of Public Safety issues under authority of the general statutes and which (1) requires persons to place their names on a list maintained by the department before they can engage in the business of demolition of buildings, (2) does not require a person to demonstrate competence by examination or other means, and (3) may be revoked or suspended by the department for

Substitute House Bill No. 6324

cause.]

(c) The provisions of this section shall not apply to (1) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, (2) the removal of underground petroleum storage tanks, (3) the burning of a building or structure as part of an organized fire department training exercise, or (4) the demolition of a single-family residence or outbuilding by an owner of such structure if it does not exceed a height of thirty feet, provided (A) the owner shall be present on site while such demolition work is in progress and shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition, and (B) such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance when deemed necessary for safety.

Sec. 7. Section 29-403 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

Any person aggrieved by a decision of the Department of Public Safety refusing to grant or renew or revoking any [such certificate of registration] license as defined in section 29-402, as amended by this act, may appeal therefrom in accordance with the provisions of section 4-183. Such appeal shall be privileged in assignment for trial.

Sec. 8. Section 29-406 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) No person shall demolish any building, structure or part thereof without obtaining a permit for the particular demolition undertaking

Substitute House Bill No. 6324

from the building official of the town, city or borough wherein such building or part thereof is located. No person shall be eligible to receive a permit under this section unless he furnishes to the building official written evidence (1) of financial responsibility in the form of a certificate of insurance specifying demolition purposes and providing liability coverage for bodily injury of at least one hundred thousand dollars per person with an aggregate of at least three hundred thousand dollars, and for property damage of at least fifty thousand dollars per accident with an aggregate of at least one hundred thousand dollars; each such certificate shall provide that the town or city and its agents shall be saved harmless from any claim or claims arising out of the negligence of the applicant or his agents or employees in the course of the demolition operations; (2) in the form of a certificate of notice executed by all public utilities having service connections within the premises proposed to be demolished, stating that such utilities have severed such connections and service; and (3) that he is the holder of a current valid [certificate of registration] license issued under the provisions of section 29-402, as amended by this act, except in the case of (A) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or who is engaged in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, or (B) an owner who is engaged in the demolition of a single-family residence or outbuilding, as provided in subsection (c) of section 29-402, as amended by this act. No permit shall be issued under this section unless signed by the owner and the demolition contractor. Each such permit shall contain a printed intention on the part of the signers to comply with the provisions of this part.

(b) In addition to the powers granted pursuant to this part, any town, city or borough may, by ordinance, impose a waiting period of not more than one hundred eighty days before granting any permit for the demolition of any building or structure or any part thereof.

Substitute House Bill No. 6324

Sec. 9. Subsection (a) of section 21-11a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) A scrap metal processor, as defined in section 14-67w, shall record, for all loads of scrap metal purchased or received by such processor, a description of such scrap metal, the weight of such metal, the price paid for such metal and the identification of the person who delivered such metal. Such scrap metal processor shall take a photograph of the motor vehicle delivering such scrap metal, including the license plate of such vehicle. Such scrap metal processor shall not be required to segregate scrap metal it receives from other materials on its premises and hold the same for five days except for wire that could be used in the transmission of telecommunications or data unless purchased from (1) a person [registered] licensed pursuant to section 29-402, as amended by this act, to engage in the business of demolition of buildings, or (2) a person who has already segregated such scrap metal pursuant to this chapter and such person provides such scrap metal processor with a written statement affirming such segregation. Upon receipt of a load of scrap metal which contains wire that could be used in the transmission of telecommunications or data, such scrap metal processor shall take a photograph of the motor vehicle delivering such scrap metal, including the license plate of such vehicle, and of such load of scrap metal containing wire that could be used in the transmission of telecommunications or data. Upon receipt of wire that could be used in the transmission of telecommunications or data, such scrap metal processor shall make a copy of the certificate of registration of such vehicle; record a description of the material received; and record a statement as to the location from which the material came.

Approved May 20, 2009